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E.O. 12958: N/A
TAGS: [OFDP](#) [PREL](#) [SO](#) [UN](#)
SUBJECT: SOMALI MISSION WAIVES INVIOABILITY OF RESIDENCE

REF: A. A) USUN 0713
[1](#)B. B) STATE 82138 AND PREVIOUS

[1](#)1. USUN has received a diplomatic note from the Somali Mission to the UN waiving the inviolability of the PermRep's residence in New Rochelle so that the City can enter to make necessary repairs to mitigate the existing health and safety hazards. Text of the Somali note appears in paragraph 2 below. Text of letter USUN proposes to send to New Rochelle informing it of the waiver appears in paragraph 3.

[1](#)2. Begin text of the Somali note: Complimentary salutation...and has the honor to refer to Diplomatic Note HC-70-08, dated July 30, 2008 addressing the Somali Permanent Representative's residence at 250 Elk Avenue, New Rochelle, NY.

The Permanent Mission of the Somali Republic to the United Nations has accepted the United States Mission request in which we formally waive the inviolability of the property for the sole purpose of allowing the City of New Rochelle to enter and make necessary repairs to mitigate existing health and safety hazards. Complimentary close. End Text.

[1](#)3. Begin text of draft letter from USUN to Charles Strome, New Rochelle City Manager:
Dear Mr. Strome: Thank you for your letter of July 3, 2008 regarding the City of New Rochelle's request for "an immediate lifting of diplomatic immunity to mitigate public safety hazards" at the Residence of the Republic of Somalia at 250 Elk Avenue. Your letter notes that certain Housing Code Violations exist at the property, including an in-ground pool with an inadequate fenced area, broken windows, doors and other defects to exterior structures, the abandonment of motor vehicle(s) and overgrown weeds, grass, and bushes.

After having received your letter, the United States Mission requested that the Permanent Mission of Somalia provide a limited waiver of the inviolability of the property at 250 Elk Avenue for the sole purpose of allowing the City of New Rochelle to enter said property and make necessary repairs to mitigate existing health and safety hazards. I am happy to report that on August 12, 2008, the Permanent Mission of Somalia indeed affirmatively responded to the United States Mission's request and has formally waived the inviolability of that residence for that purpose. The Permanent Mission of Somalia has been informed that it can expect an abatement bill for the cost of the repairs. The waiver of the property's inviolability is limited in both scope and time, however, and should not be seen to persist beyond the minimum time necessary for New Rochelle to accomplish the currently necessary repairs. The Permanent Mission of Somalia's limited waiver of inviolability does not alter the diplomatic status of the property at 250 Elk Avenue, which, as the residence of the Permanent Representative, enjoys both inviolability and exemption from property taxes.

Although the Permanent Mission of Somalia has been informed that it will be billed for the cost of the repairs undertaken and has been encouraged to make prompt payment, the Somali

Mission has informed the United States Mission that it has no funds with which to do so, at least in the short term. In that light, the City of New Rochelle may wish to consider which specific repairs it wishes to undertake to mitigate the hazards in a cost-effective manner. The City may also find it in its interest to inform the United States Mission in advance of the precise steps the City plans to take and the date or dates on which the work will be done so that we can monitor progress and continue to seek the cooperation of the Somali Mission.

/s/ Russell F. Graham, Minister-Counselor for Host Country Affairs. End text.

Khalilzad